

Notice of Allowability

Application No.

09/412,140

Applicant(s)

SMITH, CLIVE

Examiner

Art Unit

Con P. Tran

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Request for Continued Examination filed 09/07/07.
2. ☒ The allowed claim(s) is/are 19 and 22-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>10/1/07</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

In the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of the Claims:

1-18. (Cancelled)

19. (Currently Amended) An electronic stethoscope with expanded program execution and communications capability, comprising:

a portable housing in the physical form of a stethoscope that is wearable around the neck or shoulders of an operator, to house further elements comprising:

central processing unit;

nonvolatile digital memory means selected from a group consisting of flash memory, electrically erasable programmable read only memory (EEPROM), and magnetic media;

one or more software programs, executable by said central processing unit, which expand the functions executed by said stethoscope, said functions comprising medical measurement, information processing and communications functions;

digital communications means;

wherein said software programs are transferred via said digital communications means, stored in said nonvolatile digital memory means, and executed by said central processing unit.

20-21. (Cancelled)

22. (Currently Amended) The electronic stethoscope as in Claim 19 wherein said digital memory means is physically removable from electronic stethoscope housing.

23. (Currently Amended) The electronic stroboscope as in Claim 19 wherein said digital communication means is a wired cable.

24. (Currently Amended) The electronic stethoscope as in Claim 19 wherein said digital communications means is an infrared optical communications link.

25. (Currently Amended) The electronic stethoscope as in Claim 19 wherein said digital communications means is a wireless communications link.

26. (Currently Amended) The electronic stethoscope as in Claim 19 wherein said digital communications means is a wireless communications means physically removable from said electronic stethoscope housing.

27. (Currently Amended) The electronic stethoscope as in Claim 19 wherein said digital communications means uses an 802.11 communications protocol.

28. (Currently Amended) The electronic stethoscope as in Claim 19 wherein said digital communications means uses an Internet protocol selected from the group consisting of transmission control protocol/Internet protocol (TCP/IP), file transfer protocol (FTP), and point to point protocol (PPP) communications protocols.

29. (Currently Amended) The electronic stethoscope as in Claim 19 wherein said one or more software programs are medical information software programs selected from the group consisting of drug dosage database access software, drug interaction database access software, and medical research database access software.

30. (Currently Amended) The electronic stethoscope as in Claim 29 further comprising a barcode reader operatively connected to said central processing unit such that database reading and writing can be effected by barcode scanner input.

31. (Currently Amended) The electronic stethoscope as in Claim 19 wherein said software includes algorithms for the processing of auscultation sounds.

32-36. (Cancelled)

Reason for Allowance

3. **Claims 19, 22-31** are allowed which have been re-numbered as to 1, 2-11 respectively.

The following is an examiner's statement of reasons for allowance:

Regarding independent **claim 19**, the prior art fails to teach or suggest electronic stethoscope with expanded program execution and communications capability, comprising: a portable housing in the physical form of a stethoscope that is wearable around the neck or shoulders of an operator, to house further elements comprising: central processing unit; nonvolatile digital memory means selected from a group consisting of flash memory, electrically erasable programmable read only memory

(EEPROM), and magnetic media; one or more software programs, executable by said central processing unit, which expand the functions executed by said stethoscope, said functions comprising medical measurement, information processing and communications functions; digital communications means; wherein said software programs are transferred via said digital communications means, stored in said nonvolatile digital memory means, and executed by said central processing unit, as specified in the independent claim 19.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Con P. Tran whose telephone number is (571) 272-7532. The examiner can normally be reached on M - F (8:30 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Vivian C. Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cpt CPJ
October 1, 2007


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10/1/07